

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2001

Introduced by Assembly Member Ammiano

February 20, 2014

An act to ~~amend Section 300 of~~ *add and repeal Section 18265 of the Welfare and Institutions Code*, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Ammiano. Homeless youth: ~~dependency proceedings~~; *support services pilot program*.

Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services. Existing law creates the Aid to Families with Dependent Children-Foster Care program, under which a combination of state, county, and federal funds, including funds provided under Title IV-E of the federal Social Security Act, are used to provide reimbursement to families and facilities providing foster care to eligible children. Existing law establishes the Child Welfare Waiver Demonstration Project, which authorizes the State Department of Social Services to conduct a specified foster care demonstration project in up to 20 counties, to allow flexible use of federal and state foster care funds, as specified, based on the terms and conditions of the federal Title IV-E waiver.

Existing law establishes homeless youth emergency service pilot projects in the Counties of Los Angeles, Santa Clara, and San Diego, and the City and County of San Francisco. Existing law declares that the purpose of these projects is to examine the condition of homeless youth in major urban areas of this state, and to develop a profile of

homeless youth in terms of background and available services, in order to locate these youth, to provide for their emergency survival needs, and to assist them in reunification with their parents or in finding a suitable home.

This bill would authorize one or more counties that participate in the Child Welfare Waiver Demonstration Project to establish a pilot program, with the approval of the State Department of Social Services, to develop and implement alternative child welfare services to meet the individual needs of homeless youth in order to reduce homelessness among children, and would require each pilot program to conclude no later than July 1, 2019. The bill would authorize each participating county to use Title IV-E funds and state foster care funds to provide long-term intensive support services to meet the needs of homeless youth, including, among other things, temporary placement in a licensed homeless youth shelter or other age appropriate placement for 45 days with an extension of 15 days per approval of the county child welfare agency.

This bill would require the county child welfare agency, upon temporary placement of a homeless youth into a homeless youth shelter, to provide case management services, to identify appropriate long-term housing placement opportunities and wraparound services for the youth, including placement in a certified transitional housing plus program, and to make a recommendation as to whether the youth should continue to receive long-term intensive support services through the pilot program or whether a petition should be filed to adjudicate the youth to be a dependent child of the court.

This bill would require the State Department of Social Services to, among other things, conduct an evaluation of the pilot program to determine the effectiveness of the program, and would require the department to submit to the Legislature, no later than January 1, 2019, the results of its evaluation of the program, together with its recommendation as to whether the program should be continued.

~~Existing law provides that a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment.~~

~~This bill would additionally provide that a child comes within the jurisdiction of the juvenile court when he or she is chronically homeless~~

and the parent or guardian is unwilling or unable to assist the child. By expanding the jurisdiction of the juvenile court to include these children, the bill would impose new duties on county child welfare service employees, thereby creating a state-mandated local program.

Existing law creates the Aid to Families with Dependent Children-Foster Care program, under which a combination of state, county, and federal funds, including funds provided under Title IV-E of the federal Social Security Act, are used to provide reimbursement to families and facilities providing foster care to eligible children.

This bill would declare the intent of the Legislature to provide a path for homeless youth to receive independent living skills services from homeless youth shelters and group homes that specialize in providing services to homeless children and youth, and to secure federal funding for the provision of these services under Title IV-E of the federal Social Security Act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to provide a path
2 for homeless youth to receive independent living skill *and homeless*
3 services from homeless youth shelters ~~and group homes that~~
4 ~~specialize in providing services to homeless children and youth,~~
5 ~~and to secure federal funding for the provision of these services~~
6 ~~under Title IV-E of the Social Security Act (42 U.S.C. Sec. 671~~
7 ~~et seq.); child welfare service agencies under the Title IV-E of the~~
8 ~~Social Security Act (42 U.S.C. Sec. 671 et seq.) Child Welfare~~
9 ~~Waiver Demonstration Project by establishing a pilot program~~
10 ~~for the purpose of developing and implementing alternative child~~
11 ~~welfare services that are directed towards the individual needs of~~
12 ~~homeless youth in order to reduce homelessness among children.~~

1 *SEC. 2. Section 18265 is added to the Welfare and Institutions*
2 *Code, immediately following Section 18260, to read:*

3 18265. (a) (1) *For the purpose of developing targeted and*
4 *specialized services for youth who are homeless, on or after July*
5 *1, 2015, one or more counties that participate in the federal Title*
6 *IV-E Child Welfare Waiver Demonstration Project pursuant to*
7 *Section 18260 may establish a pilot program, with the approval*
8 *of the department, to develop and implement alternative child*
9 *welfare services to meet the individual needs of homeless youth in*
10 *order to reduce homelessness among children.*

11 (2) *Each pilot program established under subdivision (a) shall*
12 *conclude no later than July 1, 2019.*

13 (b) *Each pilot program established under this section may*
14 *include, but is not limited to, methods for the identification of*
15 *homeless youth for purposes of temporary placement into a*
16 *licensed homeless youth shelter pursuant to Section 1502.35 of*
17 *the Health and Safety Code, or other appropriate placement as*
18 *directed by the county's child welfare services agency.*

19 (1) *It is the intent of the Legislature that local law enforcement*
20 *agencies work with county and local child protective services*
21 *agencies to identify the appropriate placement, including placement*
22 *in a homeless youth shelter, for youth who come to the attention*
23 *of law enforcement because they are homeless.*

24 (2) *Upon the placement or voluntary entry of a homeless youth*
25 *into a homeless youth shelter, the shelter shall notify child welfare*
26 *services if it is determined by, and upon the recommendation of,*
27 *the shelter that the youth may be eligible to receive long-term*
28 *intensive support services under the pilot program.*

29 (c) *A youth identified as homeless is eligible for participation*
30 *in the pilot program if he or she meets all of the following criteria:*

31 (1) *The youth is 14 years of age or older and has been homeless*
32 *for at least 21 consecutive days.*

33 (2) *The county child welfare agency determines, upon*
34 *consultation with a local homeless youth shelter, if available, that*
35 *long-term intensive support services are needed for the youth.*

36 (3) *The county child welfare agency finds that there is a*
37 *reasonable presumption that the youth is a person described in*
38 *Section 300, but determines, upon consultation with a local*
39 *homeless youth shelter, if available, that the youth would be best*

1 served by the receipt of long-term intensive support services
2 through the pilot program.

3 (d) To the extent permitted by federal law, and based on the
4 terms and conditions of the federal Title IV-E waiver, each pilot
5 program established pursuant to this section may use Title IV-E
6 and state foster care funds to provide long-term intensive support
7 services to meet the needs of homeless youth, which shall include
8 each of the following:

9 (1) Guidance to local law enforcement on when and how to
10 refer homeless youth to a local homeless youth shelter or child
11 protective services agency.

12 (2) (A) The temporary placement of a homeless youth in a
13 homeless youth shelter or other age appropriate placement for up
14 to 45 days with an extension of 15 days per the approval of a
15 county child welfare agency. Title IV-E funding shall not be used
16 to fund the first 21 days the homeless youth is in a homeless youth
17 shelter.

18 (B) If a youth is temporarily placed in a homeless youth shelter
19 through the pilot program, the county child welfare agency shall
20 provide justification for the placement, including whether there
21 are no other appropriate residential placements available.

22 (3) Notwithstanding subdivision (c) of Section 18250,
23 wraparound services, as defined in subdivision (d) of Section 18251
24 and as described in subdivision (b) of Section 18250.

25 (e) Upon temporary placement into a homeless youth shelter
26 pursuant to paragraph (2) of subdivision (d), the county child
27 welfare agency shall do all of the following:

28 (1) Provide case management services, in coordination with
29 local homeless youth shelters, which shall include permanent and
30 stable housing, independent living skills as necessary, workforce
31 training opportunities, health and mental health services, and
32 educational opportunities, such as enrollment in the youth's school
33 district of residence as determined by the location of the youth's
34 placement.

35 (2) No later than the 30th day of placement, identify appropriate
36 long-term housing placement opportunities and wraparound
37 services for the youth, including, but not limited to, placement in
38 a certified transitional housing plus program, placement with
39 identified parents or relatives, as appropriate, foster family homes,

1 or group homes with expertise in serving homeless or runaway
2 children.

3 (3) Make a recommendation as to whether the youth should
4 continue to receive long-term intensive support services under the
5 pilot program or whether a petition should be filed to adjudicate
6 the youth to be a dependent child of the court pursuant to Section
7 360. If a determination is made that a petition should be filed, it
8 shall be filed immediately and consistent with the requirements of
9 subdivision (h).

10 (f) The department, in consultation with the California Welfare
11 Directors Association and child welfare and homeless youth
12 advocates, shall develop, no later than March 31, 2015, the
13 following standards and criteria for the pilot program:

14 (1) To the extent permitted by federal law, and based on the
15 terms and conditions of the federal Title IV-E waiver, each of the
16 following:

17 (A) The parameters on how the Title IV-E funding may be used.

18 (B) How long the Title IV-E funding may be provided, as
19 determined by outcome goals for the youth.

20 (2) The requirements on casework for the youth.

21 (3) Processes on how placements or related services may be
22 identified for the youth, including whether family reunification
23 should be pursued or whether the youth should be placed into the
24 home of a relative or nonrelated extended family member, foster
25 family home, or group home with experience in serving homeless
26 or runaway children.

27 (4) The criteria by which a homeless youth is assessed pursuant
28 to subdivision (c).

29 (g) Notwithstanding the Administrative Procedure Act (Chapter
30 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
31 Title 2 of the Government Code), the department may implement
32 this section through an all-county letter or similar instructions
33 from the director.

34 (h) (1) Nothing in this section shall be construed to limit the
35 ability of a child protective services agency case worker or the
36 county child welfare agency to file a petition with the juvenile
37 court to declare a youth to be a dependent child of the court
38 pursuant to Section 325 if the youth is a person described by
39 Section 300.

(2) If it is determined that a petition should be filed to declare the youth to be a dependent child of the court, the county child welfare agency shall consult with a local homeless youth shelter or other entity with expertise in providing services to homeless youth in developing the petition. The county child welfare agency shall comply with federal and state privacy protections in the consultation and development of the petition. The petition shall include, but not be limited to, all of the following considerations:

(A) The reasons why the youth is homeless.

(B) Whether the youth received long-term intensive support services through the pilot program.

(C) When applicable, a description of the long-term intensive support services received through the pilot program.

(D) Recommendations as to whether those long-term intensive support services should be continued or modified.

(E) Whether additional placement considerations should be made that will meet the needs of the youth.

(i) The department shall conduct an evaluation of the pilot program established pursuant to this section to determine the effectiveness of the program in developing and implementing alternative child welfare services for homeless youth. The department, no later than January 1, 2019, shall submit to the Legislature the results of its evaluation of the pilot program, together with its recommendation as to whether the program should be continued or, to the extent permitted by federal law, made permanent. A report submitted to the Legislature pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

~~SEC. 2. Section 300 of the Welfare and Institutions Code is amended to read:~~

~~300. Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:~~

~~(a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of~~

1 serious future injury based on the manner in which a less serious
2 injury was inflicted, a history of repeated inflictions of injuries on
3 the child or the child's siblings, or a combination of these and other
4 actions by the parent or guardian which indicate the child is at risk
5 of serious physical harm. For purposes of this subdivision, "serious
6 physical harm" does not include reasonable and age-appropriate
7 spanking to the buttocks where there is no evidence of serious
8 physical injury.

9 (b) ~~The child has suffered, or there is a substantial risk that the~~
10 ~~child will suffer, serious physical harm or illness, as a result of the~~
11 ~~failure or inability of his or her parent or guardian to adequately~~
12 ~~supervise or protect the child, or the willful or negligent failure of~~
13 ~~the child's parent or guardian to adequately supervise or protect~~
14 ~~the child from the conduct of the custodian with whom the child~~
15 ~~has been left, or by the willful or negligent failure of the parent or~~
16 ~~guardian to provide the child with adequate food, clothing, shelter,~~
17 ~~or medical treatment, or by the inability of the parent or guardian~~
18 ~~to provide regular care for the child due to the parent's or~~
19 ~~guardian's mental illness, developmental disability, or substance~~
20 ~~abuse. No child shall be found to be a person described by this~~
21 ~~subdivision solely due to the lack of an emergency shelter for the~~
22 ~~family. Whenever it is alleged that a child comes within the~~
23 ~~jurisdiction of the court on the basis of the parent's or guardian's~~
24 ~~willful failure to provide adequate medical treatment or specific~~
25 ~~decision to provide spiritual treatment through prayer, the court~~
26 ~~shall give deference to the parent's or guardian's medical treatment,~~
27 ~~nontreatment, or spiritual treatment through prayer alone in~~
28 ~~accordance with the tenets and practices of a recognized church~~
29 ~~or religious denomination, by an accredited practitioner thereof,~~
30 ~~and shall not assume jurisdiction unless necessary to protect the~~
31 ~~child from suffering serious physical harm or illness. In making~~
32 ~~its determination, the court shall consider (1) the nature of the~~
33 ~~treatment proposed by the parent or guardian, (2) the risks to the~~
34 ~~child posed by the course of treatment or nontreatment proposed~~
35 ~~by the parent or guardian, (3) the risk, if any, of the course of~~
36 ~~treatment being proposed by the petitioning agency, and (4) the~~
37 ~~likely success of the courses of treatment or nontreatment proposed~~
38 ~~by the parent or guardian and agency. The child shall continue to~~
39 ~~be a dependent child pursuant to this subdivision only so long as~~

1 is necessary to protect the child from risk of suffering serious
2 physical harm or illness.

3 (e) ~~The child is suffering serious emotional damage, or is at~~
4 ~~substantial risk of suffering serious emotional damage, evidenced~~
5 ~~by severe anxiety, depression, withdrawal, or untoward aggressive~~
6 ~~behavior toward self or others, as a result of the conduct of the~~
7 ~~parent or guardian or who has no parent or guardian capable of~~
8 ~~providing appropriate care. No child shall be found to be a person~~
9 ~~described by this subdivision if the willful failure of the parent or~~
10 ~~guardian to provide adequate mental health treatment is based on~~
11 ~~a sincerely held religious belief and if a less intrusive judicial~~
12 ~~intervention is available.~~

13 (d) ~~The child has been sexually abused, or there is a substantial~~
14 ~~risk that the child will be sexually abused, as defined in Section~~
15 ~~11165.1 of the Penal Code, by his or her parent or guardian or a~~
16 ~~member of his or her household, or the parent or guardian has~~
17 ~~failed to adequately protect the child from sexual abuse when the~~
18 ~~parent or guardian knew or reasonably should have known that~~
19 ~~the child was in danger of sexual abuse.~~

20 (e) ~~The child is under the age of five years and has suffered~~
21 ~~severe physical abuse by a parent, or by any person known by the~~
22 ~~parent, if the parent knew or reasonably should have known that~~
23 ~~the person was physically abusing the child. For the purposes of~~
24 ~~this subdivision, “severe physical abuse” means any of the~~
25 ~~following: any single act of abuse which causes physical trauma~~
26 ~~of sufficient severity that, if left untreated, would cause permanent~~
27 ~~physical disfigurement, permanent physical disability, or death;~~
28 ~~any single act of sexual abuse which causes significant bleeding,~~
29 ~~deep bruising, or significant external or internal swelling; or more~~
30 ~~than one act of physical abuse, each of which causes bleeding,~~
31 ~~deep bruising, significant external or internal swelling, bone~~
32 ~~fracture, or unconsciousness; or the willful, prolonged failure to~~
33 ~~provide adequate food. A child may not be removed from the~~
34 ~~physical custody of his or her parent or guardian on the basis of a~~
35 ~~finding of severe physical abuse unless the social worker has made~~
36 ~~an allegation of severe physical abuse pursuant to Section 332.~~

37 (f) ~~The child’s parent or guardian caused the death of another~~
38 ~~child through abuse or neglect.~~

39 (g) ~~The child has been left without any provision for support;~~
40 ~~physical custody of the child has been voluntarily surrendered~~

1 pursuant to Section 1255.7 of the Health and Safety Code and the
2 child has not been reclaimed within the 14-day period specified
3 in subdivision (e) of that section; the child's parent has been
4 incarcerated or institutionalized and cannot arrange for the care of
5 the child; or a relative or other adult custodian with whom the child
6 resides or has been left is unwilling or unable to provide care or
7 support for the child, the whereabouts of the parent are unknown,
8 and reasonable efforts to locate the parent have been unsuccessful.

9 (h) The child has been freed for adoption by one or both parents
10 for 12 months by either relinquishment or termination of parental
11 rights or an adoption petition has not been granted.

12 (i) The child has been subjected to an act or acts of cruelty by
13 the parent or guardian or a member of his or her household, or the
14 parent or guardian has failed to adequately protect the child from
15 an act or acts of cruelty when the parent or guardian knew or
16 reasonably should have known that the child was in danger of
17 being subjected to an act or acts of cruelty.

18 (j) The child's sibling has been abused or neglected, as defined
19 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
20 that the child will be abused or neglected, as defined in those
21 subdivisions. The court shall consider the circumstances
22 surrounding the abuse or neglect of the sibling, the age and gender
23 of each child, the nature of the abuse or neglect of the sibling, the
24 mental condition of the parent or guardian, and any other factors
25 the court considers probative in determining whether there is a
26 substantial risk to the child.

27 (k) The child is chronically homeless and the parent or guardian
28 is unwilling or unable to assist the child.

29 It is the intent of the Legislature that nothing in this section
30 disrupt the family unnecessarily or intrude inappropriately into
31 family life, prohibit the use of reasonable methods of parental
32 discipline, or prescribe a particular method of parenting. Further,
33 nothing in this section is intended to limit the offering of voluntary
34 services to those families in need of assistance but who do not
35 come within the descriptions of this section. To the extent that
36 savings accrue to the state from child welfare services funding
37 obtained as a result of the enactment of the act that enacted this
38 section, those savings shall be used to promote services which
39 support family maintenance and family reunification plans, such
40 as client transportation, out-of-home respite care, parenting

1 training, and the provision of temporary or emergency in-home
2 caretakers and persons teaching and demonstrating homemaking
3 skills. The Legislature further declares that a physical disability,
4 such as blindness or deafness, is no bar to the raising of happy and
5 well-adjusted children and that a court's determination pursuant
6 to this section shall center upon whether a parent's disability
7 prevents him or her from exercising care and control. The
8 Legislature further declares that a child whose parent has been
9 adjudged a dependent child of the court pursuant to this section
10 shall not be considered to be at risk of abuse or neglect solely
11 because of the age, dependent status, or foster care status of the
12 parent.

13 As used in this section, "guardian" means the legal guardian of
14 the child.

15 SEC. 3. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.